

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26546 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- SARMERA District- Nalanda

Sita Mistry @ Sitaram Mistry @ Sita Mistari Son of Late Bundi Mistri R/O
Vill.- Isua, P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner named in the F.I.R. and apprehending his arrest in connection with Sarmera P.S. Case No.05 of 2026, registered for the offence punishable under Sections 126(2), 115(2), 109(1) of the B.N.S., 2023.

3. The allegation against the petitioner to assault the informant by using iron rod causing head injury during the occurrence. It is also alleged that aforesaid assault was made with intention to cause death. Occurrence is alleged to be taken place in the background of land dispute.

4. It is submitted by learned counsel for the petitioner that the assault as alleged to be caused by this petitioner not appears repeated as per bare perusal of F.I.R., and moreover the



nature of injury upon medical examination found simple in nature and these two facts negate the intention to cause death out of alleged assault. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant both oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant while arguing relying upon the judgment passed in the case of **State of Himachal Pradesh Vs. Shamsher Singh** reported in **2025 SCC Online SC 807**. It is further submitted that the injury is caused on the vital part of the body, which suggest that petitioner was under intention to caused death.

6. In view of the aforesaid factual submissions and by taking note of the fact as the nature of injury as alleged to be caused by this petitioner upon medical examination found simple in nature coupled with the fact that alleged assault was not appeared to be repeated, prima facie negates intention to cause death, accordingly, the petitioner, as named above, who is person of clean antecedent, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Incharge Judicial Magistrate, Ist Class, Jehanabad, in



connection with Sarmera P.S. Case No.05 of 2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Chandra Shekhar Jha, J)

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